

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,002	03/01/2002	Ronald Lynn Blair	PU020019	6287
7590 07/03/2006			EXAMINER	
JOSEPH S. TRIPOLI THOMSON MULTIMEDIA LICENSING INC. 2 INDEPENDENCE WAY P.O. BOX 5312 PRINCETON, NJ 08543-5312			JONES, HEATHER RAE	
			ART UNIT	PAPER NUMBER
			2621	
			DATE MAILED: 07/03/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(a)				
		Applicant(s)				
Office Action Summers	10/087,002	BLAIR ET AL.				
Office Action Summary	Examiner	Art Unit				
	Heather R. Jones	2621				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DATE - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period was realized to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONEL	lely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on <u>01 March 2002</u> .						
2a) ☐ This action is FINAL . 2b) ☒ This	This action is FINAL . 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-18</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
	6)⊠ Claim(s) <u>1-18</u> is/are rejected.					
·	7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>01 March 2002</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)						
Paper No(s)/Mail Date 6) Other:						

Application/Control Number: 10/087,002

Art Unit: 2621

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1, 2, 8-11, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Suito et al. (U.S. Patent 6,925,340).

Regarding claim 1, Suito et al. discloses a method for audio content playback during video trick mode playback, comprising: reading a coded digital data from a storage medium, the coded digital data comprising a video programming and corresponding audio programming; decoding from a portion of the digital data comprising the audio programming a plurality of digital audio samples corresponding to a selected portion of the video programming; and key shifting a playback audio pitch associated with the audio samples to compensate for the trick mode playback (col. 7, lines 31-46).

Regarding claim 2, Suito discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing the method further comprises dropping selected ones of the audio samples at a rate approximately

Application/Control Number: 10/087,002 Page 3

Art Unit: 2621

corresponding to a selected trick mode video playback speed of the video programming; and generating an audio playback signal corresponding only to a remaining set of the audio samples (abstract).

Regarding claim **8**, Suito discloses all the limitations as previously discussed with respect to claim 1 including that the storage medium is selected from a group consisting of a DVD, a magnetic hard disk, magneto optical disk and a video CD (as can be seen from Fig. 1).

Regarding claim **9**, Suito discloses all the limitations as previously discussed with respect to claim 1 including that the coded digital data is an MPEG format and the reading step further comprises decoding an MPEG bit stream to obtain said audio samples (col. 5, lines 53-60).

Regarding claims **10**, **11**, **17**, and **18**, these are apparatus claims corresponding to the method claims 1, 2, 8, and 9. Therefore, claims 10, 11, 17, and 18 are analyzed and rejected as previously discussed with respect to claims 1, 2, 8, and 9.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Application/Control Number: 10/087,002

Art Unit: 2621

4. Claims 3-7 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suito et al. as applied to claims 1 and 10 above, and further in view of Shimura (U.S. Patent 6,658,197).

Regarding claims **5**, Suito discloses all the limitations as previously discussed with respect to claim 1, but fails to further disclose the method comprising repeating selected ones of the audio samples at a rate inversely proportional to a selected trick mode video playback speed of said video programming to produce a trick mode set of audio samples, and generating an audio playback signal corresponding to said trick mode set of the audio samples.

Referring to the Shimura reference, Shimura discloses a method comprising repeating selected ones of the audio samples at a rate inversely proportional to a selected trick mode video playback speed of said video programming to produce a trick mode set of audio samples, and generating an audio playback signal corresponding to said trick mode set of the audio samples (Fig. 4; col. 5, lines 33-50; col. 6, lines 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the feature of having better quality sound at a lower speed as disclosed by Shimura to the device disclosed by Suito in order to provide a user with a device that provides a quality sound at a higher or lower speed (during trick play).

Regarding claims 6 and 3, Suito in view of Shimura discloses all the limitations as previously discussed with respect to claims 2 and 5 including that

Application/Control Number: 10/087,002 Page 5

Art Unit: 2621

the audio samples are repeated 1/n times, where n is equal to the selected trick mode playback speed relative to a normal playback speed as well as the audio samples are dropped at a rate of every n samples, where n is equal to the selected trick mode playback speed relative to a normal playback speed. (See Shimura: Fig. 4; col. 7, lines 29-32 – the inverse proportions are being used accordingly for faster and lower speeds than normal).

Regarding claims **7** and **4**, Suito in view of Shimura discloses all the limitations as previously discussed with respect to claims 2, 3, 5, and 6 including that the key shifting step further comprises shifting the playback audio pitch by a multiplying factor of approximately1/n as well as the key shifting step further comprises shifting said playback audio pitch by a factor of approximately 1/n (Shimura: Fig. 4; col. 7, lines 29-32; Suito: col. 7, line 31 – col. 8, line 8 – the frequency the pitch go hand in hand).

Regarding claims **12-16**, these are apparatus claims corresponding to the method claims 3-7. Therefore, claims 12-16 are analyzed and rejected as previously discussed with respect to claims 3-7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

Application/Control Number: 10/087,002 Page 6

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones Examiner Art Unit 2621

HRJ June 26, 2006